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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BERT VOGELSTEIN

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BANNER & WITCOFF LTD  
ELEVENTH FLOOR  
1001 G STREET NW  
WASHINGTON, DC 200014597

EXAMINER

VANDERVEGT, FRANCOIS P

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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12032003

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1644

### DETAILED ACTION

The Examiner in charge of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to F. Pierre VanderVegt, Ph.D. in Art Unit 1644.

The response filed September 16, 2003 to the Office letter mailed September 4, 2003 is not fully responsive because:

1. The amendment filed September 16, 2003 proposes amendments to the specification, specifically to the sequence listing, that do not comply with 37 CFR §§ 1.821-1.825 for the following reasons:

I) The computer readable form (CRF) of the sequence listing is defective for the reasons stated on the enclosed Notice to Comply and marked-up copy of the Raw Sequence Listing. Numerous errors in the CRF precluded entry into this reissue application, including:

a) The number of amino acid residues in SEQ ID NO: 7 is reported as "2843" in line 1764, but the listing of the sequence depicts only 2842 amino acid residues. The number of nucleotide or amino acid residues is also misreported in other sequences as well.

b) The grouping of non-coding nucleotides is improper in numerous sequences, beginning with SEQ ID NO: 95. Non-coding nucleotides need to be grouped in tens with a space between each group.

c) The **mandatory** heading for the ORIGINAL SOURCE of the biological material is missing throughout the sequences, beginning with SEQ ID NO: 96. The entry at (vi)(A) should not read "(A) Homo sapiens," rather, it must read --(A) ORGANISM: Homo sapiens--.

d) The **mandatory** heading "(D) TOPOLOGY:" along with the appropriate descriptor is missing in numerous sequences, for example in SEQ ID NO: 147.

e) The listing for SEQ ID NO: 154 comprises the extra characters "??" which must be deleted.

II) The paper copy of the sequence listing also contains a number of the same errors. In addition, SEQ ID NO: 7 in the paper copy contains 2843 amino acid residues, while the CRF of

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SEQ ID NO: 7 contains only 2842. Accordingly, the paper copy and the CRF do not match. In light of the discrepancy between the paper and CRF copies and the numerous errors, the paper copy of the sequence listing also could not be entered in this reissue application.

For these reasons, the amendment filed September 16, 2003 has not been entered. A supplemental paper correctly amending the reissue application is required in order to comply with the requirements of 37 CFR §§ 1.821-1.825.

2. Applicant is reminded that any changes must be made in accordance with the requirements of 37 CFR § 1.173(b).

Specifically, any changes relative to the patent being reissued that are made to the specification must include the following markings:

- (1) The matter to be omitted by reissue must be enclosed in brackets; and
- (2) The matter to be added by reissue must be underlined.
- (3) All amendments must be made relative to the patent specification that is in effect as of the date of the filing of the reissue application.

Applicant is reminded that the underlining and bracketing, when applied to a sequence listing, is required in the paper copy but not the CRF, as the characters will cause an error when the CRF is entered.

3. It is noted that Applicant used PatentIn Release #1.0, Version #1.25 to prepare the sequence listing. Applicant is allowed and advised to continue using said Release and Version to minimize the amount of underlining and bracketing required. In the event of questions or problems regarding this earlier version of PatentIn, Applicant is advised to contact:

Lisa Hobbs  
Project Manager, PatentIn  
Search and Information Resources Administration  
US Patent and Trademark Office  
Phone: (703) 308-6573  
Fax: (703) 305-3014

General questions regarding sequence submissions or "checking" sequences can be directed to Mark Spencer of the Scientific and Technical Information Center at (703) 308-4266.

4. Further, in accordance with 37 CFR § 1.821(f), Applicant must submit a new statement that the "Sequence Listing" content of the paper or copy and the computer readable copy are the same must be

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submitted with the computer readable form, e.g., a statement that "the sequence listing information recorded in computer readable form is identical to the written sequence listing."


5. Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application. **This obligation includes amendment of the first line of the specification to note the related reissue proceedings regarding U.S. Patent No. 5,691,454.**

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

6. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (703) 305-4441. The examiner can normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

**As of January 7, 2004, the Examiner's telephone number will be (571) 272-0852.**

F. Pierre VanderVegt, Ph.D.   
Patent Examiner  
December 3, 2003

  
CHRISTINA CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600